

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CAROL ST. JOHN,)	Case No. 11-1409 SC
)	
Plaintiff,)	ORDER TO SHOW CAUSE WHY CASE
)	<u>SHOULD NOT BE DISMISSED</u>
v.)	
)	
WELLS FARGO BANK, N.A.; WACHOVIA)	
MORTGAGE, FSB; et al.,)	
)	
Defendants.)	
)	
)	

On January 24, 2011, Plaintiff Carol St. John ("Plaintiff") commenced this action in California Superior Court for the County of Sonoma, bringing seven claims against several Defendants relating to foreclosure proceedings affecting the ownership of her Healdsburg, California home. ECF No. 1 ("Notice of Removal") Ex. A ("Compl."). On March 24, 2011, Defendant Wachovia Mortgage, a division of Wells Fargo Bank, N.A. ("Wachovia"), removed this action to federal court, citing 28 U.S.C. §§ 1332 and 1441. See Notice of Removal.

On May 10, 2011, after the parties stipulated to an extension of time for Defendants to respond to Plaintiff's Complaint, Wachovia filed a motion to dismiss this action, noticing a July 8, 2011 hearing date. ECF No. 15 ("Mot."). On July 5, 2011, the Court vacated the hearing on Wachovia's Motion, giving the parties

1 notice that a decision would be made on the pleadings. ECF No.
2 17.

3 To date, Plaintiff has not filed an Opposition to Wachovia's
4 Motion. Accordingly, the Court ORDERS Plaintiff to show cause in
5 writing why this action should not be dismissed for failure to
6 prosecute. Within five (5) days of this Order, Wachovia shall
7 serve this Order to Show Cause on Plaintiff and file with the Court
8 a Proof of Service. Plaintiff's brief must not exceed ten (10)
9 pages in length and must be submitted no later than five (5) days
10 after Wachovia's service of this Order on Plaintiff. Wachovia may
11 submit a response, not to exceed ten (10) pages in length, no later
12 than ten (10) days after Wachovia's service of this Order on
13 Plaintiff.

14 FAILURE TO COMPLY WITH THIS ORDER WILL BE DEEMED SUFFICIENT
15 GROUNDS FOR DISMISSAL WITH PREJUDICE.

16
17 IT IS SO ORDERED.

18
19 Dated: August 8, 2011

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UNITED STATES DISTRICT JUDGE